

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/549,325

Applicant: IMAKI et al.

Filed: September 16, 2005

TC/AU: Unassigned

Examiner: Unassigned

Docket No.: 403498

Customer No.: 23548

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Missing Parts
Randolph Building
401 Dulany Street
Alexandria, VA 22314

RESPONSE TO THE NOTIFICATION OF MISSING REQUIREMENTS

Sir:

In response to the Notification of Missing Requirements mailed May 3, 2006, a copy of which is attached, Applicants submit proof that no documents were missing upon the filing of the patent application, that the 371 Formalities Letter was incorrectly mailed, and that no further fee for completion of the patent application is required.

According to the Notification, the papers filed at the time of the patent application did not include an English language translation of the claims. This statement is incorrect. Because of the demanding rules of the U.S. Patent and Trademark Office, Office of Initial Patent Examination, in filing this patent application a substitute specification was filed to account for amendments to the specification. In addition, a comparison document was filed showing the differences between the translated specification and the amended specification. Further, a Preliminary Amendment was filed showing amendments to the claims of the patent application and the Abstract. Finally, as proven by the attached postcard receipts bearing the imprints of OIPE and the PCT Operation, a complete copy of the original specification, including five pages of claims in the English language, was filed. This document, for reasons unknown to the Applicants' representative, does not

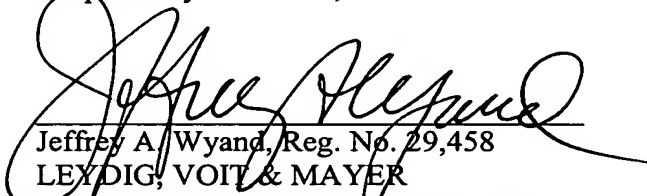
appear in the PAIR system and it therefore appears that the document was misplaced within the U.S. Patent and Trademark Office. In any event, the Preliminary Amendment is acknowledged to have been received and does appear in the PAIR system. That document does include the claims in the English language although with changes indicated by the technique required by the U.S. Patent and Trademark Office.

In order that the PAIR system can be completed, an additional copy of the original application consisting of 28 pages of specification, five pages of claims, and one page of abstract is supplied with this document. Because of the error made in discarding this original document, the PAIR system will be confused by the new addition and undoubtedly the Examiner will examine the incorrect claims and consider the incorrect specification. Nevertheless, Applicants have no alternative but to submit these documents to complete the U.S. Patent and Trademark Office application file.

In view of the proof of the original filing of the specification including the claims in the English language, even disregarding the claims as submitted in the Preliminary Amendment, the Notification was improvidently sent and no fee should be charged with respect to the additional submission of the previously submitted document.

Written confirmation of the completion of the patent application file and the withdrawal of the Notification are respectfully requested.

Respectfully submitted,


Jeffrey A. Wyand, Reg. No. 29,458
LEYDIG, VOIT & MAYER
700 Thirteenth Street, N.W., Suite 300
Washington, DC 20005-3960
(202) 737-6770 (telephone)
(202) 737-6776 (facsimile)

Date: June 1, 2006
JAW:ves

Leydig Voit & Mayer
700 13th St. N.W., Suite 300, Washington, D.C. 20005

Phone: 202 737-6770

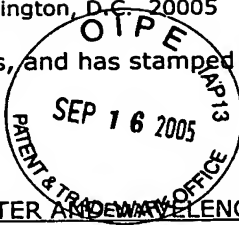
JAW/maa

The Patent Office acknowledges, and has stamped hereon, the date of the receipt of the items checked below:

Docket No.: 403498/SAKAI

Inventor(s): IMAKI ET AL.

Title: WAVELENGTH FILTER AND WAVELENGTH MONITOR



☒ Transmittal Letter for a
(2 pages; w/duplicate copy)

☐ Rule 53(b) appln

☐ Rule 53(c) provisional appln

☒ §371 national phase appln of PCT/JP2003/003345

No. Pages of Spec.: 28 + Abstract

No. Pages of Claims: 5

No. Sheets of Drawings: 8

☒ Application Data Sheet

☒ Return Receipt Postcard

Fee \$ 940.00

☐ Check

☒ Charged to Deposit Account

☒ Declaration

☐ Associate Power of Attorney

☒ Assignment & Fee

☒ Preliminary Amendment

☐ Priority Document

☒ Information Disclosure Statement

☐ Small Entity Statement(s) ()

☒ PTO-1449 (1 page) ☒ & 8 documents

☒ Substitute Specification

☒ Comparison Document Specification

☒ International Search Report (PCT/ISA/210)

✓

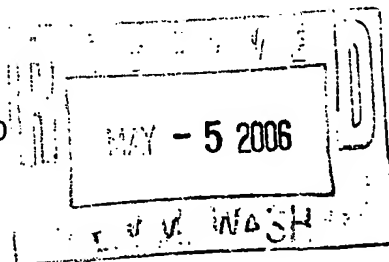


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/549,325	Masao Imaki	403498/SAKAI

23548
LEYDIG VOIT & MAYER, LTD
700 THIRTEENTH ST. NW
SUITE 300
WASHINGTON, DC 20005-3960



INTERNATIONAL APPLICATION NO.	
PCT/JP03/03345	
I.A. FILING DATE	PRIORITY DATE
03/19/2003	

CONFIRMATION NO. 8206
371 FORMALITIES LETTER
OC000000018669240

Date Mailed: 05/03/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/16/2005
- English Translation of the IA filed on 09/16/2005
- Copy of the International Search Report filed on 09/16/2005
- Preliminary Amendments filed on 09/16/2005
- Information Disclosure Statements filed on 09/16/2005
- Oath or Declaration filed on 09/16/2005
- Request for Immediate Examination filed on 09/16/2005
- U.S. Basic National Fees filed on 09/16/2005
- Substitute Specification filed on 09/16/2005
- Assignment filed on 09/16/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. The current translation of the application into English is defective as described below. Note a processing fee will be required if submitted later than 30 months from the priority date.
 - Missing the translation of the claims.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

DOCKETED

- \$130 for English translation surcharge required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/549,325	PCT/JP03/03345	403498/SAKAI

FORM PCT/DO/EO/905 (371 Formalities Notice)